

THE LANIER LAW FIRM, P.C.
 Christopher D. Banys SBN: 230038
 Daniel M. Shafer SBN: 244839
 cdb@lanierlawfirm.com
 dms@lanierlawfirm.com
 2200 Geng Road, Suite 200
 Palo Alto, CA 94303
 Tel: (650) 322-9100
 Fax: (650) 322-9103

Attorneys for Plaintiffs

MORGAN, LEWIS & BOCKIUS LLP
 MELINDA S. RIECHERT, State Bar No.
 65504
 ROBERT J. SMITH, State Bar No. 162784
Admitted pro hac vice
 2 Palo Alto Square
 3000 El Camino Real, Suite 700
 Palo Alto, CA 94306-2122
 Tel: 650.843.4000
 Fax: 650.843.4001
 mrieichert@morganlewis.com
 rsmith@morganlewis.com

Attorneys for Defendant
 HEWLETT-PACKARD COMPANY

FRANKLIN D. AZAR & ASSOCIATES, P.C.
 FRANKLIN D. AZAR (*Pro Hac Vice*)
 BARRY DUNN (SBN 151340)
 NATHAN J. AXVIG (*Pro Hac Vice*)
 TONYA MELNICHENKO (*Pro Hac Vice*)
 MEGHAN MARTINEZ (*Pro Hac Vice*)
 RICHARD BARKLEY (*Pro Hac Vice*)
 14426 East Evans Avenue
 Aurora, Colorado 80014
 Tel: (303) 757-3300
 Fax: (303) 757-3206

Attorneys for Plaintiffs

ANNE M. BRAFFORD, State Bar No. 237574
 5 Park Plaza, 17th Floor
 Irvine, California 92614-3508
 Telephone: 949.399.7000
 Facsimile: 949.399.7001
 abrafford@morganlewis.com

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFREY JOHNSON, JENNIFER RIESE,
 SHAUN SIMMONS, MICHAEL
 DEBEVER, and JAMES PURVIS,
 individually, and on behalf of others
 similarly situated,

Plaintiffs,

vs.

HEWLETT-PACKARD COMPANY and
 DOES 1-25 inclusive,

Defendants.

Case No. C-09-03596 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
 DEFERRING BRIEFING AND HEARING
 ON: (1) HP'S BILL OF COSTS; (2) HP'S
 MOTION FOR ATTORNEYS FEES; AND
 (3) PLAINTIFF'S MOTION TO DEFER**

STIPULATION

WHEREAS on August 26, 2011, Plaintiffs Jeffrey Johnson, Jennifer Riese, Shaun Simmons, and James Purvis ("Plaintiffs") gave notice of their Appeal of the Memorandum and Order Denying Motion to Amend and Granting Motion for Summary Judgment and related Judgment in this action to the United States Court of Appeals for the Ninth Circuit (Court of Appeals Case Number 11-17062) (hereinafter referred to as "Appeal").

WHEREAS on September 1, 2011, Defendant Hewlett-Packard Company ("Defendant") filed a Bill of Costs;

WHEREAS on September 27, 2011, Plaintiffs filed a Motion to Defer Consideration of Defendant's Motions for Attorneys Fees And Costs Until After Appeal Is Completed;

WHEREAS on September 30, 2011, Defendant filed a Motion for Attorneys Fees, with a hearing set for November 4, 2011;

WHEREAS in an effort to avoid unnecessary litigation pending the Appeal, the Parties agree to defer the briefing, consideration and hearing of: (1) Defendant's Bill of Costs; (2) Defendant's Motion for Attorney Fees, until after the United States Court of Appeals for the Ninth Circuit has rendered a final decision on the Appeal. The Parties further agree to take off calendar Plaintiffs' Motion to Defer Consideration of the Motions for Fees and Costs.

NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their respective counsel of record, that:

1. The briefing, consideration and hearing of: (a) Defendant's Bill of Costs; (b) Defendant's Motion for Attorneys Fees shall be deferred until the Court of Appeals has rendered a final decision on the Appeal;

2. Plaintiffs' Motion to Defer Consideration of the Motions for Fees and Costs shall be taken off calendar; and

3. The October 31, 2011 deadline for Plaintiffs to oppose Defendant's Bill of Costs and Motion for Attorneys Fees and the November 4, 2011 hearing date on Defendant's Motion for Attorneys Fees shall be vacated.

1 Dated: October 24, 2011

FRANKLIN D. AZAR & ASSOCIATES, P.C.

2
3 By: /s/Franklin D Azar

4 Attorneys for Plaintiffs JEFFREY JOHNSON,
5 JENNIFER RIESE, SHAUN SIMMONS,
MICHAEL DEBEVER, and JAMES PURVIS

6 Dated: October 24, 2011

MORGAN, LEWIS & BOCKIUS LLP

7 By: /s/Melinda Riechert

8 Attorneys for Defendant
9 HEWLETT-PACKARD COMPANY

10
11
12 **ORDER**

13
14 **IT IS SO ORDERED.**

15
16 Dated: October 25, 2011

